

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSE GAGO,

Plaintiff,

-against-

MICHAEL J. SPOSATO, as Sheriff;  
JOHN DOE, as Warden; JOHN DOE, as  
Superintendent,

Defendants.

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ORDER

12-CV-1398 (SJF)(AKT)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ APR 11 2012 ★

LON

OFFICE

FEUERSTEIN, District Judge:

On March 14, 2012, incarcerated pro se plaintiff Jose Gago ("plaintiff") commenced this action pursuant to 42 U.S.C. § 1983. Plaintiff's complaint was not signed, as required by Federal Rule of Civil Procedure 11. By letter dated March 21, 2012, plaintiff was advised that, in order to proceed with his case, he must return a signed copy of his complaint within fourteen (14) days of receiving the letter. The Court's letter was returned on March 28, 2012, marked "Return to Sender" and "Discharged." [Docket Entry No. 5].

On April 4, 2012, the Court sent plaintiff a letter acknowledging receipt of his original complaint and enclosing a change of address form. That letter was also returned to the Court, again with a notation that the letter was undeliverable because plaintiff has been discharged. [Docket Entry No. 7].

Given plaintiff's failure to update his contact information, it is impossible for the Court to communicate with him. Accordingly, this action is dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b); Austin v. Lynch, 10-CV-7534, 2011 WL 5924378, at \*2 (S.D.N.Y. Nov. 29, 2011) ("Courts have repeatedly recognized that dismissal for failure to prosecute

is appropriate where a plaintiff effectively disappears by failing to provide a current address at which he or she can be reached.”).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

**SO ORDERED.**

s/ Sandra J. Feuerstein

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Sandra J. Feuerstein  
United States District Judge

Dated: April 11, 2012  
Central Islip, New York